

**Amendments to the Drawings:**

The attached sheets of drawings, which include figures 1-10, will replace the original sheets of drawings as filed with the application. No changes have been made.

Attachment: Replacement Sheets

## **REMARKS / AGRUMENTS**

Applicant(s) respectfully traverse the objections and rejections for the reasons set out below, and ask the Examiner for reconsideration.

### **1. Summary of the Office Action**

The declaration is considered defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. The oath or declaration is also defective because it does not identify the city/state, foreign country and zip code of the post office of the fourth inventor.

Claims 1, 5-6, 8-9, 16-18, 21, 25, 27, 37, 38, 40, 43-44, 46, 49, 51, 54-55, 60, 63, 65, 68 and 72 stand objected due to various informalities.

Claims 4-5, 23-26, 30 and 36-37 stand rejected under § 112, second paragraph, as allegedly being indefinite.

Claims 1, 9-11, 19-25, 28, 30, 33-34, 60-64, 66 and 69-70 stand rejected under § 102(a) as allegedly being anticipated by an admitted prior art.

Claims 4-5, 31-32 and 68 stand rejected under § 103(a) as allegedly being anticipated by an admitted prior art.

Claims 6-7, 16-17, 27, 36 and 65 stand rejected under § 103(a) as allegedly being anticipated by an admitted prior art in view of Zhang et el. (U.S. patent 6181711).

Claims 2-3, 8, 12-15, 18, 29, 35, 67 and 71-73 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Claims 26 and 37 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112 2<sup>nd</sup> paragraph, and to include all of the limitations of the base claim and any intervening claim.

The applicant would like to thank the examiner for allowing claims 38-59.

2. **Oath/Declaration**

The oath/declaration has been updated with the application number and filing date in compliance with 37 C.F.R. 1.67(a).

The oath/declaration has been updated to reflect the complete post office address of the fourth inventor. The city/state and foreign country were provided previously in the “Residence” field of the oath/declaration. The zip code has been added.

3. **Response to the objection of claims 1, 5-6, 8-9, 16-18, 21, 25, 27, 37, 38, 40, 43-44, 46, 49, 51, 54-55, 60, 63, 65, 68 and 72, based upon various informalities.**

Claims 1, 5-6, 8-9, 16-18, 21, 25, 27, 37, 38, 40, 43-44, 46, 49, 51, 54-55, 60, 63, 65, 68 and 72 were amended, in compliance with the examiners remarks.

4. **Response to the §112 2<sup>nd</sup> paragraph rejection of claims 4-5, 23-26, 30 and 36-37**

Claims 4-5, 23-26, 30 and 36-37 were amended, in compliance with the examiners remarks, to overcome the §112 2<sup>nd</sup> paragraph rejection.

5. **Response to the §102(a) rejection of claims 1, 9-11, 19-25, 28, 30, 33-34, 60-64, 66 and 69-70**

The examiner rejected these claims based upon the assumption that these claims read on the prior art system of Fig. 1 that includes an analyzer within each headend. The examiner claimed that the analyzer within each headend was viewed as a central analyzer by the set top boxes.

Claim 1 was amended such as to clarify that the bit rate conversion information is to be sent to multiple controllers that determine whether to apply bit rate conversion techniques in response to bit rate conversion information. The applicant believes that this clarification overcomes the §102(2) rejection.

Claims 9 and 10 depend upon claim 1, thus the applicant believes that the amendment of claim 1 also overcomes their §102(2) rejection.

Claim 11 was amended such as to clarify that the distribution center sends the media stream signals and the bit rate conversion information to a plurality of receivers that determine whether to apply bit rate conversion techniques.

Claims 19 and 20 depend upon claim 11, thus the applicant believes that the amendment of claim 11 also overcomes their §102(2) rejection.

Claim 21 was amended to clarify that the local distribution center receives the bit rate conversion information and does not generate this information, in contrary to the admitted prior art. The applicant believes that this clarification overcomes the §102(2) rejection of claim 21.

Claims 22-25 depend upon claim 21, thus the applicant believes that the amendment of claim 21 also overcomes their §102(2) rejection.

Claim 28 was deleted.

Amended claim 30 depends upon claim 21, thus the applicant believes that the amendment of claim 21 also overcomes its §102(2) rejection.

Claim 33 depends upon claim 21 and claim 34 depends upon claim 33. The applicant believes that the amendment of claim 21 also overcomes their §102(2) rejection.

Claim 60 was amended to clarify that the bit rate conversion information is provided from a central analyzer to multiple controllers. The applicant believes that this clarification overcomes the §102(2) rejection of claim 60.

Claims 61-63 depend upon claim 60, thus the applicant believes that the amendment of claim 60 also overcomes their §102(2) rejection.

Claim 66 was deleted.

Claims 69-70 depend upon claim 60, thus the applicant believes that the amendment of claim 60 also overcomes their §102(2) rejection.

#### **6. Response to the §103(a) rejection of claims 4-5, 31-32 and 68**

Claim 4 depends upon claim 1 and claim 5 depends upon claim 4. The applicant believes that the amendment of claim 1 also overcomes their §102(2) rejection.

Claims 31-32 depend upon claim 1, thus the applicant believes that the amendment of claim 1 also overcomes their §102(2) rejection.

Claim 68 was amended to depend upon claim 60, thus the applicant believes that the amendment of claim 60 also overcomes its §102(2) rejection.

#### **7. Response to the §103(a) rejection of claims 6-7, 16-17, 27, 36 and 65**

Claims 6-7, 16-17, 27, 36 and 65 stand rejected under § 103(a) as allegedly being anticipated by an admitted prior art in view of Zhang et al. (U.S. patent no. 6,181,711).

Neither Zhang, or the admitted prior art, or a combination thereof disclose a system that includes a system in which bit rate conversion information is transmitted to multiple controllers that determine whether to apply bit rate conversion schemes.

Claims 6-7 depend upon claim 1. The applicant believes that the amendment of claim 1 overcomes the § 103(a) rejection of claims 6 and 7.

Claims 16-17 depend upon claim 11. The applicant believes that the amendment of claim 11 overcomes the § 103(a) rejection of claims 16 and 17.

Neither Zhang, or the admitted prior art, or a combination thereof disclose a local distribution center that receives the bit rate conversion information and does not generate this information. Claim 27 depends upon claim 21. The applicant believes that the amendment of claim 21 overcomes the § 103(a) rejection of claim 27.

Claim 36 was deleted.

Neither Zhang, or the admitted prior art, or a combination thereof disclose bit rate conversion information that is provided from a central analyzer to multiple controllers. Claim 65 depends upon claim 60. The applicant believes that the amendment of claim 60 overcomes the § 103(a) rejection of claim 65.

#### **8. Response to the objection of claims 2-3, 8, 12-15, 18, 29, 35, 67 and 71-73**

Claims 2-3, 8, 12-15, 18, 29, 35, 67 and 71-73 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Claim 2 depends upon claim 1. Claims 2 was amended such as to include the limitations of the original claim 1.

Claim 3 is depends upon claim 2. The applicant believes that by rewriting claim 2 in an independent form, claim 3 should also be allowed.

Claim 12 depends upon claim 11. Claims 12 was amended such as to include the limitations of the original claim 11.

Claims 13 and 14 depend upon claim 12. Claim 15 depends upon claim 14. The applicant believes that by rewriting claim 12 in an independent form, claims 13, 14 and 15 should also be allowed.

Claim 18 depended upon claim 17 that in turn depended upon claim 11. Claim 18 was amended such as to include all the limitations of claims 11 and 17.

Claim 29 depended upon claim 28 that in turn depended upon claim 21. Claim 29 was amended such as to include all the limitations of claims 21 and 28.

Claim 35 depended upon claim 34 that in turn depended upon claim 33 that in turn depended upon claim 21. Claim 35 was amended such as to include all the limitations of claims 34, 33 and 21.

Claim 71 depended upon claim 70 that in turn depended upon claim 60. Claim 71 was amended such as to include all the limitations of claims 70 and 60.

Claim 72 depended upon claim 60. Claim 72 was amended such as to include all the limitations of claim 60.

Claim 73 depends upon claim 72. As claim was rewritten in an independent form the applicant believes that the objection was overcome.

#### **9. Response to the rejection of claim 26**

The examiner stated that claim 26 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112 2<sup>nd</sup> paragraph, and to include all of the limitations of the base claim and anyy intervening claim.

Claim 26 was amended to overcome the §112 2<sup>nd</sup> paragraph rejection. In addition, claim 26 was rewritten such as to include the limitations of claims 21-25 upon which it depended.

## **10. Conclusion**

Having tendered the above remarks and amended the claims as indicated herein, Applicants respectfully submit that all rejections have been addressed and that the claims are now in a condition for allowance, which is earnestly solicited.

If there are any additional fees due in connection with this communication, please charge our deposit account no. 02-2666. If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact Elena Dreszer at (408) 947-8200 ext. 209.

Respectfully submitted,

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Dated: 05-02, 2005



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